

09/364,522

MS136622.01/MSFTP272US

REMARKS

Claims 1-43 are currently pending in the subject application and are presently under consideration. Claims 1, 10, 13, 17, 19, 24, 26, and 32 have been amended as shown at pages 3-8. In addition, the specification has been amended as indicated at page 2.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. **Rejection of Claims 1-3, 9, 19-21, 23, 26, 28, 34, 37, 41 and 43 Under 35 U.S.C. §103(a)**

Claims 1-3, 9, 19-21, 23, 26, 28, 34, 37, 41 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher, Stewart, "CyberNag (Mailmen Division) Project Notebook", 2/24/1996, Available:

http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen in view of Cohen, "Learning Rules that Classify E-Mail", 1996 (as disclosed at <http://www-2.cs.cmu.edu/~wcohen/pubs-t.html>). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Forscher in view of Cohen does not teach or suggest each and every limitation of applicants' claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Independent claims 1, 19, and 26 have been amended to recite *determining whether a user is busy*. Applicants' claimed invention can determine if a user is busy (for example, through several possible indicators, such as sensors around the computer, acoustical analysis,

09/364,522

MS136622.01/MSFTP272US

keyboard activity, office phone activity, user location device, scheduling information available in the calendar, etc.), and then utilize this information in performing other tasks – such as deciding when to alert a user. As conceded in the Office Action, Forscher and Cohen do not determine if a user is busy. Furthermore, the Office Action concedes that Lewis does not explicitly state determining if a user is busy, but cites that Lewis's teaching of "expected loss of non-review of a message" would make obvious determining if the user being busy. Contrary to these assertions, "expected loss of non-review of a message" is not analogous to determining if a user is busy. The expected loss of non-review of a message is only analyzing the cost of not reading a message over time. The cost of not reading a message over time would likely result in one value for a busy user and a different value for a non-busy user. Lewis fails to teach or suggest identifying if a user is busy as disclosed in the applicants' claimed invention. Applicants' representative respectfully traverses the aforementioned well known statements and request that the Examiner cite a reference in support of her position pursuant to MPEP 2144.03.

Claims 3, 21, 28, and 37 recite *employment of a sound in connection with an alert* that can vary in type and/or intensity based on priority of the document that the alert is associated with. Forscher does not explicitly describe creating an audible alert as recited in the subject claims let alone varying a sound in type and/or intensity based on the document priority. The Office Action cites Forscher's alerting through a pager to make up for this deficiency. A pager does not necessarily use a sound for alerting. Many paging systems merely use a vibration, such as those in a restaurant paging system for patrons that are waiting for a table. Therefore, Forscher does not suggest an alerting sound let alone one that varies in type or intensity as in applicants' invention.

Claim 9 further recites *wherein alerting the user comprises alerting the user based on the priority being within a predetermined range*. Contrary to assertions in the Office Action, Forscher does not alert based on the priority being within a *predetermined range*. Rather, Forscher alerts the user when a priority *equals a specific value*, not when the priority is within a range of values.

In view of at least the foregoing, it is respectfully submitted that Forscher does not teach or suggest applicants' invention as recited in independent claims 1, 19, and 26 (and claims 2, 3, 9, 20, 21, 23, 28, 34, 37, 41 and 43 which respectively depend there from). Accordingly, withdrawal of this rejection is respectfully requested.

09/364,522

MS136622.01/MSFTP272US

II. Rejection of Claims 4-7, 29 and 38-40 Under 35 U.S.C. §103(a)

Claims 4-7, 29 and 38-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher in view of Cohen as applied in claims 1, 19 and 26 above, and further in view of Henderson, *et al.* (US 6,185,603 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Forscher, Cohen, and Hendersen *et al.* individually or in combination do not teach or suggest each and every limitation of applicants' claimed invention.

Claims 6 and 39 recite *wherein opening the document based on the predetermined criteria comprises centrally locating the document based on the priority of the document*. Contrary to assertions in the Office Action, Hendersen *et al.* fails to disclose screen location of the document based upon document priority. Hendersen *et al.* merely discloses color, size, and font as display attributes that can be controlled based upon document priority.

Furthermore, claims 4, 5, 7, 28, 38, and 40 depend from independent claims 1, 19, and 26 respectively and Hendersen *et al.* does not cure the aforementioned deficiencies discussed above regarding primary references and these independent claims. Accordingly, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 8, 10-12, 22, 24-25, 27, 32-33 and 42 Under 35 U.S.C. §103(a)

Claims 8, 10-12, 22, 24-25, 27, 32-33 and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher in view of Cohen as applied in claims 1, 19 and 26 above, and further in view of Lewis, "Evaluating and Optimizing Autonomous Text Classification Systems", 1995 ACM. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Forscher, Cohen, and Lewis individually or in combination do not teach or suggest each and every limitation of applicants' claimed invention.

Claims 10 and 24 recite *alerting the user only upon determining that the priority of the document is greater than the predetermined threshold*. As conceded in the Office Action, Forscher and Cohen fail to disclose alerting the user based upon the priority exceeding a predetermined threshold. Lewis's disclosure of alerting a user when text considered to be relevant appears is cited to cure this deficiency. However, Lewis fails to disclose what is

09/364,522

MS136622.01/MSFTP272US

considered relevant and specifically fails to disclose a document priority greater than a predetermined threshold triggering an alert as taught in the subject claims.

Claims 12 recites *wherein displaying the plurality of documents comprises displaying only documents having a priority greater than a predetermined threshold*. As conceded in the Office Action, Forscher, Cohen and Lewis fail to teach the novel features of the subject claim. The Examiner takes official notice to the fact that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lewis to only display documents having a priority greater than a predetermined threshold. Applicants' representative respectfully traverses the aforementioned well known statements and request that the Examiner cite a reference in support of her position pursuant to MPEP 2144.03.

Claim 32 recites *an interaction context that is active for a period of time following an alert that the document priority has exceeded a threshold* and claim 33 recites *the user is able to make a gesture while the interaction context is active to view the document*. The interaction context of applicants' claimed invention provides a window of time after the user has been alerted to perform a gesture, such as for example a mouse wiggle, to bring up more detail concerning the document than was provided in the alert. As conceded in the Office Action Forscher and Cohen fail to disclose the limitations taught in the subject claims. Contrary to assertions in the Office Action, Lewis also fails to disclose an interaction context. Rather, Lewis merely states that a user is alerted when a document considered to be relevant appears, without any suggestion of an interaction context. Furthermore, Lewis fails to disclose an alert that the document priority has exceeded a threshold based upon reasons discussed *supra* with respect to claim 12.

Claim 42 recites *the predetermined criteria comprises a determination of whether the user is busy*. Forscher, Cohen, and Lewis fail to disclose the novel features of the subject claim based upon the reasons noted above with respect to a similar limitation in independent claims 1, 19 and 26.

Accordingly, withdrawal of this rejection is respectfully requested.

09/364,522

MS136622.01/MSFTP272US

IV. Rejection of Claims 30-31 Under 35 U.S.C. §103(a)

Claims 30-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher in view of Cohen as applied in claim 26 above, and further in view of Lewis and Doi (US 5,077,668). Forscher, Cohen, Lewis, and Doi individually or in combination do not teach or suggest each and every limitation of applicants' claimed invention.

Claim 30 recites *a brief to provide the user a summary of documents including the documents, that have arrived while the user was one of away or busy within another application*. As noted *supra* with respect to independent claims 1, 19 and 26 Forscher, Cohen, and Lewis fail to disclose any determination of a user being busy or away. Doi does not make up for this deficiency - Doi merely teaches creating an abstract of a document.

Claim 31 recites *the summary of the document has a summarization level, such that the summarization level decreases as a function of the priority of the document*. As conceded in the Office Action, Forscher, Cohen and Lewis fail to disclose creating a summarization of a document. Doi teaches creation of an abstract of a document, but fails to teach decreasing the summarization level as a function of the priority of the document as disclosed in applicants' claimed invention.

Accordingly, withdrawal of this rejection is respectfully requested.

V. Rejection of Claims 13-14, 16 and 35-36 Under 35 U.S.C. §103(a)

Claims 13-14, 16 and 35-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher in view of Cohen and Platt (US 6,327,581). Forscher, Cohen and Platt individually or in combination do not teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 13 recites similar limitations to independent claims 1, 19 and 26. Platt does not make up for the deficiencies discussed above with respect to those claims. Rather, Platt teaches a method for building a support vector machine classifier.

Dependent claim 16 recites similar limitations to claim 9. Platt does not make up for the deficiencies identified *supra* with respect to that claim.

Accordingly, withdrawal of this rejection is respectfully requested.

09/364,522

MS136622.01/MSFTP272US

VI. Rejection of Claims 15, 17 and 18 Under 35 U.S.C. §103(a)

Claims 15, 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher in view of Cohen and Platt as applied to claim 13 above, and further in view of Lewis. Forscher, Cohen, Platt, and Lewis individually or in combination do not teach or suggest each and every limitation of applicants' claimed invention.

Dependent claim 17 recites similar limitations to claims 10 and 24. Platt does not make up for the deficiencies noted above with respect to those claims. Claims 15 and 18 depend from independent claim 13 and Lewis does not make up for the deficiencies of the primary references regarding this independent claim. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

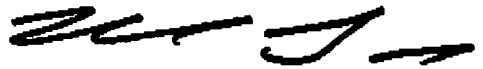
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP272US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731